

Adopted.  
Section 5 was adopted.  
On motion of Senator Carter, the  
Senate adjourned to 10 o'clock tomorrow.

## FIFTEENTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, Jan. 30, 1891. }

Senate met pursuant to adjournment.

Roll call.

Quorum present.

The following Senators answering to their names:

## PRESENT—22.

Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Finch,	Lubcock,	Tyler.
Frank,	Page,	Weisiger,
Garwood,	Potter,	Whatley.
Glasscock,		

## ABSENT—4.

Atlee,	McKinney,	Pope.
Maetze,		

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Carter the further reading of the journal was dispensed with.

On motion of Senator Potter Senator Maetze was excused for to-day and to-morrow on account of important business.

On motion of Senator Tyler Senator Sims was excused indefinitely after to-day on account of important business.

On motion of Senator Whatley Senator McKinney was excused until Monday on account of important business.

On motion of Senator Glasscock Senator Ingram was excused indefinitely on account of sickness.

On motion of Senator Whatley Senator Johnson was excused for to-day and to-morrow on account of important committee work.

Senator Carter presented the following privileged reports:

## COMMITTEE ROOM.

Austin, Jan. 29, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 34, being "An act to amend article 3014, chapter 1, title 57, of the revised civil statutes of the State of Texas, relating to the exemption of firemen from jury duty."

And find the same correctly engrossed.

CARTER, Chairman.

## COMMITTEE ROOM,

Austin, Jan. 29, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared Senate bill No. 70, being "An act to amend section 1 of an act entitled 'An act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884; approved April 9, 1883; approved March 24, 1885; to create the Forty-third judicial district of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district; approved March 30, 1887; to create the Forty-eighth judicial district of the State of Texas, to fix the times for holding court therein, and to fix the times for holding court in the Seventeenth judicial district of the State of Texas, and to provide for the appointment of district judge of the said Forty-eighth judicial district.'"

And find the same correctly engrossed.

CARTER, Chairman.

## PETITIONS AND MEMORIALS.

Senator Clemens offered the following:

A petition from the citizens of Kendall county, praying for an adequate bounty to be paid by the state for the destruction of wolves and other wild animals preying upon live stock.

Referred to committee on Stock and Stockraising.

Petition of the citizens of Kendall county, relating to Sunday laws.

Referred to committee on State Affairs.

Petition of citizens of Comal county, relating to Sunday laws.

Referred to Committee on State Affairs.

Senator Frank offered the following report:

COMMITTEE ROOM,  
Austin, Jan. 29, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Penitentiaries, to whom was referred

Senate bill No. 194, being "An act entitled 'An act to amend sections 1, 2, 3, 4, 5, 6, 51, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, of an act entitled 'An act to provide for the organization of the State penitentiaries, and for the more efficient management of the same, approved March 17, 1881; also to repeal an act entitled 'An act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor, approved April 18, 1883; also to repeal an act entitled 'An act to amend sections 1, 2 and 4 of an act entitled 'An act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor, approved April 18, 1883; approved March 31, 1885,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FRANK, Chairman.

And Senate bill 194 read first time.

Senator Frank offered the following report:

COMMITTEE ROOM,  
Austin, Jan. 29, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Penitentiaries, to whom was referred

Senate bill No. 175, being "An act entitled an act to purchase state convict farms and to improve and stock the same and to work convicts thereon and to make an appropriation therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FRANK, Chairman.

And Senate bill 175 read first time.

Senator Kimbrough offered the following report:

COMMITTEE ROOM,  
Austin, Jan. 30, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Roads and Bridges, to whom was referred

Senate bill No. 59, being "An act providing for ordering and holding elections in counties to determine

whether a road tax shall be levied and to provide the manner of holding such election for the levying of such tax and for other purposes."

Have had the same under consideration, and I am instructed to report back substitute to the Senate with the recommendation that it do pass.

KIMBROUGH, Chairman.

And Senate bill 59 read first time.

Senator Whatley made the following report:

COMMITTEE ROOM,  
Austin, Jan. 29, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 32, being "An act entitled 'An act to regulate elections and to provide for furnishing and distributing election ballots at the public expense, and to provide penalties for its violation,'"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

WHATLEY, Chairman.

And Senate bill No. 32 was read first time.

Senator Tyler offered the following report:

COMMITTEE ROOM,  
Austin, Jan. 30, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

House bill No. 14, being "An act to repeal an act entitled 'An act to provide for the inspection of refined oils, which are the product of petroleum and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof, and to provide penalties for violation of the same,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER, Chairman.

And House bill No. 14 read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,  
Austin, Jan. 30, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 81, being "An act to define and punish usury,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,  
Chairman.

And Senate bill No. 18 was read the first time.

Senator Tyler made the following report:

COMMITTEE ROOM,  
AUSTIN, Tex., Jan. 30, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 109, being "An act amending article 480, title 7, chapter 4, of the code of Criminal procedure,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,  
Chairman.

And Senate bill No. 109 was read the first time

Senator Tyler made the following report:

COMMITTEE ROOM,  
AUSTIN, Tex., Jan. 30, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 61, being "An act to repeal exception 3 to article 730, chapter 7, title 8, of code of criminal procedure of the state of Texas, in relation to persons competent to testify in criminal action and to permit to testify in prosecutions for seduction the female alleged to have been seduced,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment: "But no conviction shall be had upon the testimony of the said female unless the same is corroborated by other evidence tending to connect the defendant with the offense charged."

All of which is respectfully submitted.

TYLER,  
Chairman.

And Senate bill No. 61 read the first time.

Senator Tyler made the following report:

COMMITTEE ROOM,  
AUSTIN, Tex., Jan. 30, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your judiciary committee No. 2, to whom was referred

Senate bill No. 138, being "An act to amend article 730, title 8, chapter 7, of the code of criminal procedure;" also Senate bill No. 64, being "An act to permit the female alleged to have been seduced to testify in prosecution against the person charged with such seduction,"

Have had the same under consideration and I am instructed to report the same back to the Senate without recommendation, for the reason that Senate bill No. 61 contains the same subject matter and has been favorably reported by this committee.

All of which is respectfully submitted.

TYLER,  
Chairman.

And Senate bills 138 and 64 read first time.

Senator Clemens made the following report:

COMMITTEE ROOM,  
AUSTIN, Tex., Jan. 30, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 82, being "An act to require all banks or persons engaged in a banking or exchange business to make through its president or cashier of the same a sworn statement to the tax assessor of all moneys on deposit with them to the end that such money as may be taxable may be correctly and properly assessed, and to provide a penalty for the violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

CLEMENS,  
Chairman.

Bill read first time.

#### MINORITY REPORT.

COMMITTEE ROOM,  
AUSTIN, Tex., January 28, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

A minority of the Finance committee, to whom was referred

Senate bill No. 82, entitled "An act to require all banks or persons engaged in a banking or exchange business to make through its president or cashier of the same a sworn statement to the tax assessor of all moneys on deposit

with them to the end that such money as may be taxable may be assessed, and to provide a penalty for a violation of the provisions of this act."

Have had the same under consideration and beg to dissent from the report of the majority.

All of which is respectfully submitted.

M. H. TOWNSEND,  
R. N. WEISIGER,  
C. L. POTTER,  
L. A. WHATLEY.

Senator Clemens made the following report:

COMMITTEE ROOM, }  
AUSTIN, Tex., Jan. 29, 1891. }  
Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 159, being "An act to define, prevent and punish fraud and evasion in the assessment and collection of the public revenues arising from all money subject to taxation in the state of Texas,"

Have had the same under consideration, and I beg leave to report the accompanying substitute, with the recommendation that it do pass.

CLEMENS,  
Chairman.

And substitute for Senate bill No. 159 read first time.

#### BILLS AND RESOLUTIONS.

By Senator Kimbrough:

A bill to be entitled "An act to regulate attachments in certain cases, and to provide for the distribution of the proceeds of property sold under judgment in certain cases."

Referred to committee on State Affairs.

By Senator Clemens:

A bill to be entitled "An act to amend articles 677 and 685 of chapter 5, title 8, of the code of criminal procedure of the state of Texas."

Referred to Judiciary committee No. 2.

By Senator Page:

A bill to be entitled "An an act to authorize the Commissioner of Agriculture, Insurance, Statistics and History to have made experiments in the utilization of lignites for fuel, and to make an appropriation therefor."

Referred to committee on Mining and Irrigation.

By Senator Clemens:

A bill to be entitled "An act to amend articles 605, 606 and 609, of chapter 15, title 15, and to add article 605a to said chapter and title, and to amend articles 613 and 615, of chapter 17, title 15, and article 574 of chapter 11, title 15, and to add articles 574a and 574b to chapter 11, title 15, and to amend article 500 of chapter 3,

title 15, of the penal code of the state of Texas, and to repeal all of chapter 14, title 15 of said code, consisting of articles 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603 and 604."

Referred to Judiciary committee No. 2.

Senator Page moved to suspend pending business and take up out of its order House bill No. 14, entitled "An act to be entitled 'An act to amend article 672, chapter 2, title 22, of the revised civil statutes of the state of Texas, and to add thereto article 672a, and to provide for validating the location of county seats in certain counties.'"

Adopted.

Senator Page moved to suspend the constitutional rule requiring a bill to be read to be read on three several days, and that the bill do pass to a second reading.

Rule suspended by the following vote:

YEAS 21.

Carter,	Glasscock,	Simkins,
Clark,	Harrison,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Potter,	Whatley.

NAYS—1.

Pope.

ABSENT—1.

Atlee.

Read second time and passed to third reading.

Senator Page moved that the constitutional rule be further suspended and that the bill pass to a third reading and final passage.

The rule was suspended by the following vote:

YEAS—21.

Carter,	Glasscock,	Simkins,
Clark,	Harrison,	Sims,
Clemens,	Kirby,	Stephens,
Crane,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Potter,	Whatley.

ABSENT—2.

Atlee,

Pope.

Bill read third time.

The bill passed by the following vote:

YEAS—22.

Atlee,	Glasscock,	Simkins,
Carter,	Harrison,	Sims,
Clark,	Kearby,	Stephens,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Potter,	Whatley.
Garwood,		

ABSENT—1.

Pope.

On motion of Senator Sims pending business was further suspended and Senate bill No. 68, entitled "An act to amend articles 237 and 238, title 5, chapter 2 of the code of criminal procedure," was taken up out of its regular order and read third time.

The bill passed.

Senator Tyler moved to further postpone pending business and take up out of its regular order for its third reading and final passage Senate bill No. 34, entitled "An act to amend article 3014, chapter 1, title 57, of the revised statutes of the State of Texas, relating to the exemption of firemen from jury duty."

The motion prevailed and

Bill read third time and passed.

By request Senator Clemens sent up the following petition and asked that it be read:

Petition of citizens of Hays county praying for ballot reform and the enactment of registration laws.

Petition read.

On motion of Senator Crane, pending business was postponed; and

Senate bill No. 77, entitled "An act to amend title 53, chapter 3, of the revised statutes, by adding thereto article 2971a,"

Was taken up out of its regular order, and read second time, with a favorable committee report.

Senator Potter offered the following amendment:

Amend by adding to end of act the following: "Nor shall any breach of any stipulation or warranty in any policy of insurance be held to prevent recovery thereon, unless it increased the risk, or caused, or contributed, to the loss."

Senator Potter spoke to the amendment.

Senator Crane accepted the amendment.

At the request of Senator Sims, Senator Potter further explained the amendment.

Amendment adopted.

Senator Kimbrough offered the following amendment:

Amend caption and enacting clause and bill to read 2971b instead of 2971a.

Adopted.

Senator Crane offered the following amendment:

Adopted.

The bill was ordered engrossed.

On motion of Senator Crane the constitutional rule requiring a bill to be read on three several days was suspended by the following vote:

# YEAS—22.

Atlee,  
Carter,  
Clark,  
Clemens,  
Crane,  
Finch,  
Frank,

Garwood,  
Glassecock,  
Harrison,  
Kearby,  
Kimbrough,  
Lubbock,  
Page,  
Pope,

Potter,  
Simkins,  
Sims,  
Stephens,  
Townsend,  
Tyler,  
Weisiger,  
Whatley.

Bill read third time.

Senator Finch opposed Senator Potter's amendment.

Senator Crane spoke to the bill.

The bill being on final passage, it was adopted by the following vote:

# YEAS—22.

Atlee,  
Carter,  
Clark,  
Crane,  
Frank,  
Garwood,  
Glassecock,  
Harrison,

Johnson,  
Kearby,  
Kimbrough,  
Lubbock,  
Page,  
Pope,  
Potter,

Simkins,  
Sims,  
Stephens,  
Townsend,  
Tyler,  
Weisiger,  
Whatley.

# NAYS—1.

Finch.

# ABSENT—1.

Clemens.

I vote no on the final passage of Senate bill No. 77, although I approve the general purpose of the bill, but the amendment adopted to the original bill, will, I believe, open the way to fraud and will cause a still greater destruction of property by fire in order to secure the insurance.

FINCH.

By consent Senator Stephens introduced the following bill:

An act to amend article 686 of the revised civil statutes of the State of Texas by adding thereto other articles to be known as 686a, 686b, 686c, 686d and 686e, and to provide for establishing surveying and marking the boundaries and lines of unorganized counties in this State.

Referred to Committee on Counties and County boundaries.

Senator Atlee introduced the following bill by consent:

A bill to be entitled "An act to amend article 257, chapter 3, title 11 of the revised civil statutes of the State of Texas."

Referred to Judiciary committee No. 1.

Order of the day being the consideration of Senate bill No. 5, entitled "An act to provide for the election of a county road commissioner in counties in which a tax has been levied under the amendment to the constitution, and to regulate the manner of laying out and working the roads, and providing who shall work and for a road fund and for other purposes."

The secretary read section 6.

Senator Stephens offered the following amendment:

Amend by adding to section 6 the following: Provided that the county commissioners court shall have the power and authority to designate that particular roads shall be first worked and the amount of funds to be used on each road so designated by them to be worked."

Adopted.

Section 6 was adopted.

Section 7 was read by the Secretary.

Senator Kearby offered the following amendment:

Amend by striking out section 7 of the bill.

Senator Kearby spoke to the amendment.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, Texas, Jan. 31, 1891. }  
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate of the passage by the House of House bill No. 57,

An act to be entitled "An act to amend article 541, chapter 11, title xvii (17), of the revised civil statutes of the State of Texas," under suspension of the rule. Ayes 85, nays, 1.

Also the adoption of concurrent resolution approving the International fair at San Antonio, Texas.

SAM H. DIXON,  
Chief Clerk.

House bill No. 57 referred to Judiciary committee No. 1, and

Concurrent resolution referred to committee on Federal Relations.

Senator Potter gave notice that he would offer an amendment to section 7 in case the amendment of Senator Kearby striking out the section was not adopted, and opposed the latter.

Senator Kearby withdrew his amendment for the present.

Senator Potter offered the following amendment, which was adopted:

Amend section 7, line 18, page 4, by striking out all after 7 in line 18, to provided in line 21, and insert the following:

"All persons residing in the county and subject to pay a poll tax therein, and who have failed or neglected to pay the same on or before the time given by law to pay such tax, shall constitute the delinquent poll tax list of the county, and all persons appearing on this list shall be subject to road duty in said county as herein provided."

Senator Potter offered the following amendment: †

Section 7, line 2, page 5, strike out the words "in satisfaction of said poll tax."

Adopted.

Senator Potter offered the following amendment:

Provided, that the performance of the road duty herein provided shall not exonerate or discharge such person from the performance of any other road duty that may be required of him by any other law of this state.

Adopted.

Senator Kearby offered the following amendment:

Amend section 7 by adding the following words: "Provided that when any person shall have been worked upon any public roads, bridges and streets, as provided in this section, until the tax and cost due have been paid, then the authority working said person shall pay over to the tax collector of the proper county the amount of poll tax due for school purposes from such person, to be paid into the available school fund of the state."

Senator Atlee offered the following substitute for Senator Kearby's amendment:

Add to section 7 the following: Provided such portion of the delinquent poll tax due the available school fund which shall have been discharged by work on the public roads, under the provisions of this bill, shall be credited to such school fund and paid into the school fund of the county out of the road and bridge fund.

The substitute was adopted.

The amendment as amended was adopted.

Senator Simpkins moved to reconsider the last amendment by Senator Potter, and asked that his resolution be spread upon the journal.

Senator Glasscock offered the following amendment:

"Amend section 7 by adding the following after the word 'work' on line 4, page 5, printed bill, and shall be given to the party so summoned to work on the roads at least three days prior to the time work is to be begun on said road, stating the number of days such person shall be required to work."

Adopted.

Section 7 was adopted.

Secretary read section 8.

Senator Garwood offered the following amendment:

"Amend section 8, line 17, by insert-

ing after the word 'hours' the words 'or bond executed therefor as in other cases of misdemeanor conviction.'"

Adopted.

Senator Stephens offered the following amendment:

Amend section 8, line 7, by adding after the word "misdemeanor" the words "provided such person is not sick or unable to work at such time."

Adopted.

(Senator Glasscock in the chair.)

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES,

AUSTIN, Tex., Jan. 30, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate of the passage by the House of House bill No. 44, an act to be entitled "An act to define and punish usury."

SAM H. DIXON,

Chief Clerk House of Representatives.

House bill No. 44.

Referred to Judiciary committee No. 2.

Senator Potter offered the following amendment:

Amend by inserting the following in line 19, section 8, after "commissioner" the words "or other officer in charge of the public roads of the county."

Adopted.

Senator Crane offered the following amendment:

Amend by striking out the words, "within twenty-four hours," in line 17.

Senator Potter opposed.

Senator Crane spoke to the amendment.

Senator Sims opposed.

Senator Simkins opposed.

The amendment was lost by the following vote:

YEAS—7.

Clark,	Kearby,	Pope,
Crane,	Page,	Townsend.
Harrison,		

NAYS—16.

Atlee,	Glasscock,	Sims,
Carter,	Kimbrough,	Stephens,
Clemens,	Lusock,	Tyler,
Finch,	Potter,	Weisiger,
Frank,	Simkins,	Whatley.
Garwood,		

Senator Stephens offered the following amendment:

Amend section 8 by adding after the word hours in line 17 the words "excluding Sundays."

Adopted.

Senator Potter offered the following amendment:

Section 8, line 6, page 5, strike out the words owing a state or county poll tax, and insert instead subject to such road duty under the provisions of this act.

Adopted.

Section 8 was adopted.

Secretary read section 9.

Senator Kimbrough offered the following amendment:

Amend section 9 by inserting the words "or county poor farm" after the word jail in line 30.

Adopted.

Senator Potter offered the following amendment:

Amend section 9, line 21, by striking out the word "him" and insert the words "such convict."

Adopted.

Senator Atlee offered the following amendment:

Amend by inserting in line 27 before the word "notice" the word "written."

Adopted.

Section 9 was adopted.

Secretary read section 10.

Senator Pope offered the following amendment:

Amend section 10 by adding the following: "And it is further made the duty of the commissioners court, whenever they deem it necessary, to inquire into the treatment of convicts by said road commissioner and any road commissioner who shall be guilty of treating convicts under his charge in an inhuman and cruel manner shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars."

Adopted.

By consent Senator Pope made the following report:

COMMITTEE ROOM, }

AUSTIN, Jan. 30, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 206, being "An act to amend article 1685 of the revised civil statutes concerning notice of special elections."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE,  
Chairman.

And Senate bill No. 206 was read first time.

Senator Pope moved to postpone

pending business, suspend the constitutional rule requiring bills to be read on three several days, and take up out of its regular order Senate bill No. 206, which was adopted by the following vote:

YEAS—21.

Atlee,	Glasscock,	Simkins,
Carter,	Kearby,	Sims,
Clark,	Kimbrough,	Stephens,
Clemens,	Lubbock,	Townsend,
Crane,	Page,	Tyler,
Finch,	Pope,	Weisiger,
Frank,	Potter,	Whatley.

ABSENT—2.

Garwood, Harrison.

Senate bill No. 206, entitled "An act to amend article 1685, of the revised civil statutes, concerning notice of special elections,"

Was read second time.

The bill was ordered engrossed.

On motion of Senator Pope, the constitutional rule requiring a bill to be read on three several days was further suspended by the following vote:

YEAS—21.

Carter,	Harrison,	Simkins,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Finch,	Page,	Tyler,
Frank,	Pope,	Weisiger,
Glasscock,	Potter,	Whatley.

ABSENT—2.

Atlee, Garwood.

Bill read third time and passed by the following vote:

YEAS—21.

Carter,	Harrison,	Simkins,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Finch,	Page,	Tyler,
Frank,	Pope,	Weisiger,
Glasscock,	Potter,	Whatley.

ABSENT—2.

Atlee, Garwood

Question being the consideration of section 10 to Senate bill No. 5,

Senator Kearby offered the following amendment:

Amend section 10 by adding the following:

"And said road commissioner shall be liable upon his said bond to any person injured by him for any injury caused by the inhuman or cruel treatment of any convict under his control and management."

Adopted.

Section 10 was adopted.

Secretary read section 11.

Senator Potter offered the following amendment:

Strike out all of section 11 after the figures 11 and insert the following: "Chapter 1, title 87, of the revised civil statutes of the state of Texas; as also chapters 2, 3, 4, 5 and 6 of said title, are not repealed by this act, but are hereby continued in force, and are extended to counties operating under provisions of this act in so far as the same may be applicable and not in conflict with the provisions herein contained. But when in conflict they are hereby repealed, provided that in counties in which hands may be ordered out to work the roads under existing laws that they and the work to be done by them shall be under the general supervision of the county commissioners court of the county and county road commissioners in counties in which there may be one. And provided further that in any county in this state in which a road and bridge tax may have been levied under the provisions of the amendment to the constitution of this state, the commissioners court shall not be compelled to appoint road overseers to work the roads under existing laws. But may make such appointments and have the roads worked in the manner now provided by law in connection with that provided in this act or not, at their discretion."

Adopted.

Secretary read section 12.

Senator Stephens offered the following amendment:

Amend section 12, line 7, by striking out the word may and insert in lieu thereof the word shall.

Adopted.

Senator Harrison offered the following amendment:

Amend section 12: Strike out all after the word "person" in line 10 to word "and" line 13.

Withdrawn.

Senator Potter offered the following amendment:

Amend section 12 by inserting in line 10 after word who, insert the words wilfully and knowingly.

Withdrawn.

Senator Harrison offered the following amendment:

Amend section 12 by striking out all after the word "same" in line 9 down to and including the word "same" in line 12.

Adopted.

On motion of Senator Carter, Senator Pope was excused indefinitely on account of sickness in his family.

Senator Atlee moved to adjourn to 10 o'clock tomorrow.

Lost.



Senator Kimbrough offered the following amendment:

Amend section 12 by inserting the words "drain, sewer, ditch, tile," after the word "bridge" in line 8.

Adopted.

Section 12 was adopted.

The secretary read section 13.

Senator Lubbock offered the following amendment:

Amend section 13 by striking out all down to the words "all laws."

Senator Lubbock spoke to his amendment.

Senator Kearby offered the following substitute:

"Substitute for amendment section 13, line 21, after county where it occurs second time insert the following: 'Except so much of said poll tax is due to the county school fund, which amount due the county school fund shall be paid into the available school fund of the county.'"

Withdrawn.

Senator Carter moved to adjourn to 10 o'clock tomorrow.

Lost.

Senator Sims favored the amendment of Senator Lubbock.

The amendment was lost.

Senator Kearby called up the amendment which he had offered as a substitute to Senator Lubbock's amendment and offered it as an original amendment.

Adopted.

Senator Potter offered the following amendment:

"Amend by striking out in section 13, line 17, page 7, the words 'in payment of his poll tax may satisfy such demand by paying the amount of such tax,' and insert the following, 'as provided in this act may satisfy such obligation and demand by paying the sum of three dollars.'"

Adopted.

Section 13 was adopted.

Senator Kimbrough offered the following amendment to section 1:

Amend section 1 by adding to the end of the section "the commissioners court of any county that has levied the tax as herein provided may, at a regular term thereof, create the office of county road commissioner, and shall appoint such officer, who shall continue in office until the next general election, at which time his successor shall be elected."

Adopted.

Senator Atlee offered the following amendment to the bill:

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Amend the bill by striking out section 4 and changing the numbers of the sections following to correspond.

Senator Atlee spoke to his amendment.

Senator Potter opposed the amendment.

The amendment was lost.

Senator Kimbrough called up his motion to reconsider the vote by which the following amendment by Senator Stephens to section 5 was lost:

Amend by adding after the word "county," in line 17, section 5, the words, "such deputy shall receive not to exceed the sum of \$2 per day for his services."

Carried.

The amendment by Senator Stephens was then carried.

Senator Potter offered the following amendment:

Amend the caption by adding after the word "fund" in the last line the words "providing who shall be subject to road duty and providing for penalties and manner of enforcing the same."

Adopted.

On motion of Senator Harrison further action on Senate bill No. 5 was suspended, and the calendar clerk was ordered to have fifty copies of the bill printed for the use of the Senate.

On motion of Senator Townsend the Senate adjourned to 10 o'clock a. m. tomorrow.

#### SEVENTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, Jan. 31, 1891.

Senate met pursuant to adjournment.

President Pro Tem Cranford in the chair.

Roll call.

No quorum present.

The following Senators answered to their names:

PRESENT—19.

Atlee,	Garwood,	Potter.
Carter,	Harrison,	Sinkins,
Clark,	Johnson,	Stephens,
Clemens,	Kearby,	Tyler,
Cranford,	Kimbrough,	Weisiger,
Finch,	Page,	Whatley.
Frank,		